APPEAL NO. 022790
FILED DECEMBER 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on October 16, 2002. The hearing officer determined that the compensable injury sustained by the respondent (claimant) on _____, includes right carpal tunnel syndrome (CTS). The appellant (carrier) appeals this decision. The appeal file contains no response from the claimant

DECISION

Affirmed.

Extent of injury is a factual question for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ).

The carrier contends that the claimant failed to present compelling medical evidence, which was required in this case because of attenuated causation. We have previously stated that attenuated causation may require expert evidence. Texas Workers' Compensation Commission Appeal No. 941303, decided November 10, 1994. However, in that case there was a three-year period of time between the injury and the claimant's complaint to his doctor that the compensable injury had exacerbated his low back pain. We do not perceive the present case as one involving attenuated causation. While the claimant did not receive a CTS diagnosis until approximately six months after the date of injury, the medical records reflect that the claimant complained of CTS-related symptoms at the time he was initially examined after the injury. Additionally, the doctor who examined the claimant on December 3, 2001, subsequently opined that CTS was "definately [sic] what he had when we first saw him" and that the CTS was probably caused by the claimant's work activities on the date of injury. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **HARTFORD INSURANCE COMPANY OF THE MIDWEST** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

_____
Chris Cowan
Appeals Judge

CONCUR:

_____
Susan M. Kelley
Appeals Judge

_____
Veronica Lopez
Appeals Judge